IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

LA.App..No. 426 of 2007()

LAR.93/1997 of ADDL.SUB COURT,KOLLAM
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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR

RESPONDENT: CLAIMANT

YESODHARAN, MAPPOLASSERIL VEEDU,
KILIKOLLUR VILLAGE, SANKAR NAGAR, KOLLAM.

BY ADV. SRI.N.DHARMADAN (SR.)
SMT.D.P.RENU

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

L.A.A. NO. 426 OF 2007

Dated this the 4th day of December, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment in L.A.R. No.93 of 1997 on the file of the Additional Sub Court, Kollam. Acquisition was for the National Highway Bye Pass. The claimant was examined and Ext.A1 was marked. Ext.A1 is the judgment in L.A.R. No.268 of 1993 in respect of acquisition for the same purpose and covered by the same notification. In respect of the acquired property in L.A.R. No.268 of 1993, the Land Acquisition Officer fixed land value at Rs.8,083/- per Are which was enhanced by the reference court to Rs.19,760/- per Are.

2. It is brought to our notice that there is no appeal against Ext.A1 judgment. In the instant case,, the Land Acquisition Officer fixed land value at Rs.7,290/- per Are and that was refixed by the reference court to Rs.16,350/- per Are. It is seen from the evidence discussed by the reference court that PW.1 had stated that the property covered by Ext.A1 is situated very near to the acquired property. However, in view of the

difference in the land value given by the Land Acquisition Officer, the reference court observed that the properties are not similar. Despite such an observation, taking note of the importance of the locality and the potential development, the land value was fixed at Rs. 16,350/- per Are. There was no evidence for the respondent. PW.1 also was not cross-examined. If the property covered by Ext.A1 is situated near to the acquired property and the land value awarded in that case is Rs.19,760/- per Are, we do not find any reason to interfere with the fixation of land value by the reference court in respect of the acquired property at the rate of Rs.16,350/- per Are.

In the above circumstances, the appeal is dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007